REMARKS

Summary of Office Action

Claims 1-16, 23-25, and 31-41 were pending in this application.

The Examiner said that applicants' arguments filed in the May 1, 2006 Reply To Office Action have been considered but are moot in view of new grounds of rejection necessitated by applicants' amendment.

The Examiner objected to claims 1 and 25 for an informality regarding the term "the second type."

The Examiner rejected claims 23-25 and 42-44 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.

The Examiner rejected claims 1-16, 23-25, and 31-41 under 35 U.S.C. § 101 as raising a question as to whether the language of the claims is directed to statutory subject matter.

Claims 1-6, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang et al. U.S. Patent No. 6,593,936 (hereinafter "Huang") in view of Sezan et al. U.S. Patent No. 6,236,395 (hereinafter "Sezan").

Dependent claim 7 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Scott et al. U.S. Patent No. 5,675,752.

Dependent claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Foreman et al. U.S. Patent No. 6,628,303 and Lawler et al. U.S. Patent No. 5,907,323.

Dependent claim 9 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Berhan U.S. Patent No. 6,487,145.

Dependent claim 10 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Reimer et al. U.S. Patent No. 6,065,042.

Dependent claim 11 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Landis U.S. Patent No. 5,659,368 and Cane et al. U.S. Patent No. 6,157,931.

Dependent claim 12 was rejected under 35 U.S.C. § 103(a) as being obvious from Sheth et al. U.S. Patent No. 6,311,194 (hereinafter "Sheth") in view of Huang, Sezan, and Murphy et al. U.S. Patent No. 6,625,810.

Dependent claim 13 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Sheth.

Independent claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Montgomery et al. U.S. Patent No. 6,380,950 (hereinafter "Montgomery") and Hendricks et al. U.S. Patent No. 5,659,350 (hereinafter "Hendricks"). Claim 15 was also rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Montgomery and Jacobs et al. U.S. Patent Application Publication No. 2004/0249708 (hereinafter "Jacobs").

Independent claim 23 was rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Huang.

Dependent claim 42 was rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Huang and further in view of Montgomery.

Independent claim 24 and dependent claim 43 were rejected under 35 U.S.C. § 103(a) as being obvious from (1) Sezan in view of Huang and Hosoda U.S. Patent No. 7,020,839 (hereinafter "Hosoda"), (2) Huang in view of Montgomery and Sezan, and (3) Sheth in view of Montgomery and Sezan.

Independent claim 25 and dependent claim 44 were rejected under 35 U.S.C. § 103(a) as being obvious from (1) Huang in view of Montgomery, Hendricks, and Sezan, and (2) Sheth in view of Montgomery, Hendricks, and Sezan.

Dependent claims 31, 32, 37, and 40 have been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Rabne et al. U.S. Patent No. 6,006,332 (hereinafter "Rabne").

Dependent claims 33 and 34 have been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Rabne and Rivera et al. U.S. Patent No. 6,056,786.

Dependent claim 35 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Rabne and further in view of Rose et al. U.S. Patent No. 5,752,244 (hereinafter "Rose").

Dependent claim 36 was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Rabne and Hurtado et al. U.S. Patent No. 6,418,421.

And dependent claims 38, 39, and 41 have been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Rose.

Summary of Applicants' Reply

Applicants submit concurrently herewith a Request For Continued Examination under 37 C.F.R. § 1.114.

Applicants have canceled claims 1-44, thus rendering moot their rejections.

Applicants have also added new claims 45-77, wherein claims 45, 54, 58, 63, 68, and 72 are independent and correspond generally to canceled independent claims 1, 15, 16, 23, 24, and 25, respectively.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

New Claims 45 and 72

New claims 45 and 72 correspond generally to canceled claims 1 and 25, respectively, which were objected to for the following informality: the term "the second type" should be "a second type" (emphasis added).

New claims 45 and 72 both recite "a second type" and accordingly are not objectionable on those grounds.

New Claims 63, 68, 72, 64, 69, and 73 Under 35 U.S.C. § 112

New claims 63, 68, 72, 64, 69, and 73 correspond generally to canceled claims 23-25 and 42-44, respectively, which were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. In particular, the Examiner said the claimed limitations of "a database stored on a first computer readable

medium," "a document type definition (DTD) stored on a second computer readable medium," and "digital content stored on a third computer readable medium" were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claim invention.

Applicants respectfully submit that new claims 63, 68, 72, 64, 69, and 73 comply with the written description requirement under 35 U.S.C. § 112, first paragraph.

In particular, these claims are supported in applicants' specification, which recites, for example: "[d]ata definitions of the invention advantageously permit a single database to be used for storing, retrieving, and tracking different types of assets whose contents are preferably stored either on the same computer as the database, in the database, on a computer linked to the database via the same network, or combinations thereof" (page 5, lines 5-11; emphasis added).

See also applicants' FIG. 2, which "shows a hardware system 200 that can be used to manage digital data defined with data definitions in accordance with the invention" (applicants' specification page 9, lines 16-18).

Applicants' specification also recites that "[o]ne or more servers 201 store all or part of one or more databases" (page 9, lines 27-28).

Applicants' specification further recites that "the invention can be practiced with a configuration as simple as a single computer that can ... store and query a database in its RAM, ROM, hard disk drive, compact disc, floppy disk, or other suitable storage medium" (page 10, lines 17-21).

In sum, and as also known in the art, computer programs, databases, and related files and/or data may reside on one or more of the above-mentioned computer readable mediums of a computer system.

Accordingly, applicants respectfully submit that claims 63, 68, 72, 64, 69, and 73 comply with the written description requirement under 35 U.S.C. § 112, first paragraph.

New Claims 45-77 Under 35 U.S.C. § 101

New claims 45-62 are directed to computer readable mediums storing data for access by an application program executing on a data processing system. The data stored on the computer readable mediums are for use in "storing, retrieving, searching, or tracking digital assets stored in one or more databases."

New claims 63-77 are directed to computer systems comprising computer readable mediums and central processing units operative to access or receive data stored on the computer readable mediums. The data stored on the computer readable mediums are for use in storing, retrieving, searching, or tracking digital assets stored in one or more databases.

These claims are plainly directed to useful articles of manufacture and apparatus.

Applicants respectfully submit that the subject matter of new claims 45-77 are statutory under 35 U.S.C. § 101.

New Independent Claim 45

New independent claim 45 corresponds generally to canceled independent claim 1, which was rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan.

Claim 45 is directed to a computer readable medium comprising a document type definition (DTD) that includes declared elements and attributes for at least two types of digital assets, including at least one type selected from the group consisting of audio recordings and video recordings, the DTD further comprising metadata for rights management of the at least two types of digital assets.

Huang is limited to descriptions of synthetic audiovisual content, which Huang describes as "graphics and animation" (*id.* at column 2, line 58) and "sound generated via a model on a computer or computerized synthesizer" (*id.* at lines 63-65). Huang excludes video recordings, which it considers "'natural' representations" (*id.* at line 57), and audio recordings, which it considers "natural representations of 'natural' sound" (*id.* at lines 60-61).

The only disclosure of a DTD in Sezan is in an XML example of its description schemes, beginning in column 14, line 53. The reference is to an external DTD file entitled "mpeg-7.dtd" (*see, e.g., id.* at line 54) -- the content of which is not disclosed.

Furthermore, neither reference discloses a DTD comprising metadata for rights management of at least two types of digital assets.

Thus, the combination of Huang and Sezan does not result in applicants' invention as defined in claim 45 and, therefore, claim 45 is not obvious from that combination.

For at least these reasons, dependent claims 46-53 are also not obvious from the combination of Huang and Sezan (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully submit that new claims 45-53 are allowable under 35 U.S.C. § 103(a) in view of Huang and Sezan.

New Independent Claims 54 and 58

New independent claims 54 and 58 correspond generally to canceled independent claims 15 and 16, respectively, which were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Huang, Montgomery, and Hendricks.

Claims 54 and 58 are directed to computer readable mediums comprising a document type definition (DTD) that includes declared elements and attributes for at least three types of digital assets, the DTD defined in claim 58 further comprising metadata for rights management of the at least three types of digital assets.

As discussed above, Huang is limited to descriptions of synthetic audiovisual content (e.g., computer generated graphics, animation, MIDI, etc.).

Montgomery is directed to "production in a personal computer environment of low bandwidth images and audio" (Montgomery column 3, lines 8-10). Montgomery does not in any way teach or suggest DTDs, much less a DTD as defined in applicants' claims 54 or 58.

Hendricks is directed to "a center for controlling the operations of a digital television program delivery system" (Hendricks column 3, lines 5-6). Hendricks also does not in any way teach or suggest DTDs, much less a DTD as defined in applicants' claims 54 or 58.

Moreover, none of these references discloses a DTD comprising metadata for rights management of at least three types of digital assets.

Thus, the combination of Huang, Montgomery, and Hendricks does not in any way result in applicants' invention as defined in either claim 54 or claim 58. Thus, these claims are not obvious from that combination.

For at least these reasons, dependent claims 55-57 and 59-62 are also not obvious from the combination of Huang, Montgomery, and Hendricks (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully submit that new claims 54-62 are allowable under 35 U.S.C. § 103(a) in view of Huang, Montgomery, and Hendricks.

New Independent Claim 63

New independent claim 63 corresponds generally to canceled independent claim 23, which was rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Huang.

Claim 63 is directed to a computer system comprising computer readable mediums and a central processing unit operative to access or receive data stored on the computer readable mediums. One of the computer readable mediums comprises a DTD that comprises declared elements and attributes for photographs, video recordings, and audio recordings, the DTD also comprising metadata for rights management of the photographs, video recordings, and audio recordings.

For at least the same reasons as discussed above with respect to claim 45, the combination of Sezan and Huang does not result in applicant's invention as defined in claim 63.

And for at least these reasons, dependent claims 64-67 are also not obvious from the combination of Sezan and Huang (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully submit that new claims 63-67 are allowable under 35 U.S.C. § 103(a) in view of Sezan and Huang.

New Independent Claim 68

New independent claim 68 corresponds generally to canceled independent claim 24, which was rejected under 35 U.S.C. § 103(a) as being obvious from (1) Sezan in view of Huang and Hosoda, (2) Huang in view of Montgomery and Sezan, and (3) Sheth in view of Montgomery and Sezan.

Claim 68 is directed to a computer system comprising computer readable mediums and a central processing unit operative to access or receive data stored on the computer readable mediums. One of the computer readable mediums comprises a DTD that comprises declared elements and attributes for photographs, video recordings, and text documents, the DTD also comprising metadata for rights management of at least one photograph and at least one video recording.

Applicants respectfully submit that none of the three combinations of cited references results in applicants' invention as defined in claim 68 and, therefore, claim 68 is not obvious from any of these combinations.

For at least these reasons, dependent claims 64-67 are also not obvious from the combinations of (1) Sezan, Huang, and Hosoda, (2) Huang, Montgomery, and Sezan, and (3) Sheth, Montgomery, and Sezan (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully submit that new claims 63-67 are allowable under 35 U.S.C. § 103(a) in view of (1) Sezan, Huang, and Hosoda, (2) Huang, Montgomery, and Sezan, and (3) Sheth, Montgomery, and Sezan.

New Independent Claim 72

New independent claim 72 corresponds generally to canceled independent claim 25, which was rejected under 35 U.S.C. § 103(a) as being obvious from (1) Huang in view of Montgomery, Hendricks, and Sezan, and (2) Sheth in view of Montgomery, Hendricks, and Sezan.

Claim 72 is directed to a computer system comprising computer readable mediums and central processing units operative to access or receive data stored on the computer readable mediums. One of the computer readable mediums comprises a DTD that comprises declared elements and attributes for at least two types of digital assets, the DTD also comprising metadata for rights management of at least two different types of digital assets selected from the group consisting of still images, promos, and voice-overs.

Applicants respectfully submit that neither combination of cited references results in applicants' invention as defined in claim 72 and, therefore, claim 72 is not obvious from either combination.

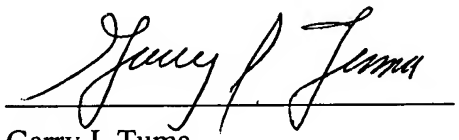
For at least these reasons, dependent claims 73-77 are also not obvious from the combination of (1) Huang, Montgomery, Hendricks, and Sezan, or (2) Sheth, Montgomery, Hendricks, and Sezan. (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully submit that new claims 72-77 are allowable under 35 U.S.C. § 103(a) in view of (1) Huang, Montgomery, Hendricks, and Sezan, and (2) Sheth, Montgomery, Hendricks, and Sezan.

Conclusion

The foregoing demonstrates that claims 45-77 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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